UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AUREFLAM CORPORATION, a California corporation, Plaintiff, vs. HIEP PHAN, individually and dba PHO HOA HIEP; LE HONG, individually and dba PHO HOA HIEP; and DOES 1 through 10, inclusive, Defendants.	CASE NO. 08cv0538-LAB (NLS) **ORDER RE SERVICE OF NOTICE OF MOTION FOR ENTRY OF JUDGMENT BY DEFAULT AND RE TELEPHONIC APPEARANCE** [Dkt No. 13]

Plaintiff Aureflam Corporation ("Aureflam") seeks entry of judgment by default against the two individuals named as defendants in this action alleging Lanham Act violations associated with Aureflam's federally registered "Pho Hoa" service mark used in connection with its Vietnamese restaurants. The Motion For Entry Of Default Judgment ("Motion") is presently calendared to be heard July 21, 2008.

The docket reflects Aureflam filed its Complaint on March 24, 2008. The Summons and Complaint were served April 9, 2008. The Clerk of Court entered defaults May 7, 2008 for defendants' failure to plead or otherwise appear in the action. Aureflam served defendants on May 8, 2008 with the order entering the defaults. Defendants sought no relief. Aureflam now moves for entry of judgment by default, pursuant to FED.R.CIV.P. 55 and Civil Local Rule 55.1. It seeks an award of $121,500.00 in damages, recovery of its attorneys' fees and costs, and issuance of a permanent injunction.

Inasmuch as these individual defendants have not appeared in the action despite notice of its pendency, Aureflam is not required to serve written notice of its application for entry of a default judgment. Nevertheless, the court finds the damages sought are significant and the judgment will affect the livelihood of the defendant restauranteurs. Accordingly, **IT IS HEREBY ORDERED** Aureflam shall serve defendants with its Motion papers as well as a copy of this Order, and shall file a proof of service, to ensure defendants' awareness that on or after July 21, 2007, this court will enter an adverse judgment by default against them in this action based solely on the demonstration in Aureflam's motion papers and applicable legal standards, absent their challenge to Aureflam's calculation of its monetary damages. **IT IS FURTHER ORDERED**, inasmuch as the damages claimed are not for a sum certain capable of ascertainment from definite figures, defendants may contest the damages amount Aureflam seeks to reduce to judgment by appearing through written objections to its damages demonstration to be filed in this action on or before ***July 7, 2008***, **IT IS FURTHER ORDERED**, whether or not defendants appear as permitted herein, the court will confirm no later than one week before the scheduled hearing whether the matter will be taken under submission for decision on the papers and, if not, the court **GRANTS** Aureflam's counsel's request to appear telephonically.

IT IS SO ORDERED.

DATED: June 12, 2008

Larry A. Burns

HONORABLE LARRY ALAN BURNS
United States District Judge